

# HOUSE BILL No. 1158

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-5-1-2; IC 36-5-1-10.1.

**Synopsis:** Town incorporation across county lines. Requires a town incorporating across county lines to obtain the approval of the county executive of each county that contains a part of the proposed incorporated town. Allows proceedings for incorporation of a town across county boundaries that commenced before July 1, 1999, to obtain only the approval of the county executive of the county that contains all or a major part of the territory sought to be incorporated.

**Effective:** July 1, 1999.

---

---

**Smith M**

---

---

January 6, 1999, read first time and referred to Committee on Local Government.

---

---



C  
o  
p  
y

Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1158

---

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-5-1-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Proceedings to incorporate a  
3 town may be instituted by filing a petition in quadruplicate with the  
4 executive of ~~the each~~ county in which ~~all~~ or a ~~major~~ part of the territory  
5 sought to be incorporated is located. The petition must be signed by at  
6 least fifty (50) owners of land in the territory and must state that:

7           (1) the territory is used or will, in the reasonably foreseeable  
8 future, be used generally for commercial, industrial, residential,  
9 or similar purposes;

10          (2) the territory is reasonably compact and contiguous;

11          (3) there is enough undeveloped land in the territory to permit  
12 reasonable growth of the town; and

13          (4) incorporation is in the best interests of the citizens of the  
14 territory.

15       (b) The signatures of the petitioners must be verified, and the  
16 verification must include a statement that the petitioners are owners of  
17 land in the territory sought to be incorporated.

1999

IN 1158—LS 6292/DI 94+



(c) In determining the number of petitioners, not more than one (1) person having an interest in a single parcel of land may be counted, and a person owning more than one (1) parcel of land in the area may be counted only once.

SECTION 2. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10.1. (a) **Except as provided in subsection (g)**, if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

(1) provide that:

(A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500); or

(B) divide the town into not less than three (3) nor more than seven (7) districts; and

(2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If, on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that



C  
O  
P  
Y

territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

(1) the state certifying official designated under IC 3-6-4.2-11; and

(2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

**(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances providing for the incorporation of the town.**

**SECTION 3. [EFFECTIVE JULY 1, 1999] Notwithstanding IC 36-5-1-2 and IC 36-5-1-10.1, both as amended by this act, proceedings commenced before July 1, 1999, to incorporate a town across county boundaries must only have the approval of the county executive of the county that contains all or a major part of the territory sought to be incorporated.**

C  
o  
p  
y

